UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,156	11/13/2001	Kelli H. Kennedy	10011462-1	5327

7590   05/02/2007

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EXAMINER
QIN, YIXING

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
05/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 February 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,9 and 11-36* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,9 and 11-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

In response to applicant's amendment received 2/5/07, all requested changes have been entered.

Response to Arguments

Applicant's arguments filed 2/5/07 have been fully considered but they are not persuasive. The Examiner has found new art to suggest the amended features. Regarding claim 30, see in P[0234] that the Distributed printing properties is provided as an user interface, which is part of an appropriate application program. Thus, it can still be reasonably interpreted that the application program calls the printing agent.

Please see the rejection below for more detail.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

I.   Claim 30 rejected under 35 U.S.C. 102(e) as being anticipated by Iwata et al (U.S. Pub No. 20020163665 A1).

30. (Previously presented) A method of determining information regarding at least one printer available to receive a print job from a client computer, comprising:

calling a general printer driver directly from an application executed by the client computer; (Fig 2, items 100, 110)

transmitting a query from the client computer to a server via a network for an identification of the at least one available printer; (Fig. 5 shows available. A query is inherently made to receive information)

receiving an identification of the at least one available printer from the server; (Fig. 5)

downloading a file from the server used to convert print data into a format specific to a selected one of the at least one available printer; (Fig. 2, item 120 and P[0195]. Figs. 16 item S500 and P[315] discloses that the distributed printing utility does convert data to a specific format for a printer) and

wherein the general printer driver is accessible as a destination printer in a print menu., and wherein the application is configured to launch a printing agent to initiate the transmitting when the general printer driver is selected as the destination printer. (Fig 5, item IC4 is discloses as the virtual printer driver in P[0153])

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

II.   Claims 1, 2, 6-16, 18-27, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwata et al (U.S. Pub No. 20020163665 A1) in view of Marbry et al (U.S. Patent No. 5,692,111).

Regarding claims 1, 9, 15, and 23, Iwata discloses a method of determining information regarding at least one physical printer available to receive a print job from a client computer, comprising:

calling a general printer driver directly from an application executed by the client computer; (Fig 2, items 100, 110)

transmitting a query from the client computer to a server via a network for an identification of the at least one available physical printer; (Fig. 5 shows available. A query is inherently made to receive information)

receiving an identification of the at least one available printer from the server; (Fig. 5)

It does not explicitly disclose "selecting a single one of the identified physical printers to receive the print job;

after the selecting, downloading from the server a file used to convert print data into a format specific to the selected physical available printer;"

However, Marbry discloses in Fig. 3, and column 3, lines 44-65.

Iwase and Marbry are combinable because both are in the art of installing print drivers.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the technique in Marbry for installing drivers for a single printer.

The motivation would have been to allow users to print to a single printer instead of a plurality of printers like in the Iwase reference.

Therefore, it would have been obvious to combine Iwase and Marbry to obtain the invention as specified.

and

wherein the general printer driver is accessible as a destination printer in a print menu, and wherein the general printer driver is configured to launch a printing agent (Fig. 35) to initiate the transmitting when the general printer driver is selected as the destination printer. (Fig 5, item IC4 is discloses as the virtual printer driver in P[0153]).

Regarding claims 2, 10, Iwata discloses further comprising:

launching a printing agent with the general printer driver, the printing agent generating the query transmitted from the client computer to the server for the identification. (Fig. 35, item id113)

Regarding claims 6, 20, 25, Iwata discloses wherein the identification of the at least one available printer received from the server is a list of printers. (Fig. 5)

Regarding claims 7, 13, 21, 26, Iwata discloses wherein the list of printers includes information from one or more of a physical location, a printer capability and a network address. (Figs. 31-34)

Regarding claims 8, 14, 22, 27 Iwata discloses further comprising displaying the identification of the at least one available printer for the user to select the selected one of the at least one available printer. (Figs. 31-34)

Regarding claim 16, Iwata discloses wherein the general printer driver code is called from the application in response to a print command entered by a user. (Fig. 2 items 100 and 110)

Regarding claim 31, Iwata discloses a method of determining information regarding at least one printer available to receive a print job from a client computer, comprising:

providing a general printer driver on the client computer accessible as a destination printer in a print menu; (Fig. 2 and Fig 5, item IC4)

selecting the general printer driver as the destination printer directly from an application executed by the client computer; (Fig. 5)

responsive to the selecting, launching a printing agent on the client computer
from the general printer driver; (Fig. 35)

transmitting a query from the printing agent to a server via a network for an
identification of the at least one available printer; (Fig. 35, item id113)

receiving at the client computer an identification of the at least one available
printer from the server in response to the query; (Fig. 35, item id 113)

selecting, via the general printer driver, one of the at least one available printer to
print the print job; and (Fig. 35, item id 113 and Fig. 5)

downloading from the server to the client computer a file configured to convert the
print job into a format specific to the selected printer; (Fig. 2, item 120 and P[0195].
Figs. 16 item S500 and P[315] discloses that the distributed printing utility does convert
data to a specific format for a printer) and

printing the print job on the selected printer. (Fig. 2, item 60, 70, 80)

Regarding claim 32, Iwata discloses further comprising:

using the downloaded file, converting the print data into the format specific to the
selected one of the at least one available printer; and

printing the converted print data on the selected one of the physical printer.

Regarding claims 33, 35, 36 Iwata discloses the method according to claim 1,
wherein the transmitting is performed after the calling. (Figs. 21-24 – Fig. 20 shows the
printer tab, and where one can see there are listed printers for printing. This occurs

after an user has selected the distributed printing icon – IC4 of Fig.5) (i.e. general

printer driver) and is setting which printers to print to.

Regarding claim 34, Iwata discloses the method according to claim 1, wherein

the selecting is performed by a user. (Fig. 5 is common printing window, one knows the

user clicks a printer to print to).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

III.   Claims 3 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Iwata et al (U.S. Pub No. 20020163665 A1) in view of Marbry et al (U.S. Patent No.

5,692,111) in view of Official Notice.

Regarding claims 3, 17 Iwata discloses a print system with downloadable print

drivers.

It does not explicitly disclose "wherein the general printer driver is a PostScript

printer driver."

However, the Examiner takes Official Notice that Postscript is well-known printing format.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a PostScript printing driver.

The motivation would have been to use a widely accepted format for compatibility reasons.

Therefore, it would have been obvious to use a PostScript driver in the Iwata invention to obtain the invention as specified.

IV.   Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwata et al (U.S. Pub No. 20020163665 A1) in view of Marbry et al (U.S. Patent No. 5,692,111) in view of Gase et al (U.S. Patent No. 5,580,177).

Regarding claims 4, 11, 18, 24, Iwata discloses a distributed printing system with driver downloading features.

It does not explicitly disclose "wherein the downloaded file is a printer description file and the method further comprises overwriting a generic printer description file with the downloaded printer description file and converting application specific data to be printed to printer specific data using the downloaded printer description file."

However, Gase, discloses in column 4, lines 17-23 the ability to overwrite a printer driver with a newer one. One would understand that the new printer driver would

be used to process/convert data to be printed. The printer driver would read on as a
printer description file.

All references are combinable because both references are in the art of
networked printing and providing drivers for printers.

Therefore, it would have been obvious to one of ordinary skill in the art at the
time of invention to have an system for updating drivers.

The motivation would be to have the most current driver available for
compatibility and efficiency reasons.

Therefore, it would have been obvious to combine all references to obtain the
invention as specified.

Regarding claims 5, 12, 19, Iwata discloses a distributed printing system with
driver downloading features.

It does not explicitly disclose "a distributed printing system with driver
downloading features wherein the generic printer description file is temporarily
overwritten until completion of the conversion."

However, the use of the distributed printing utility 120 effectively acts in place of
the virtual printer driver (shown in Fig. 4 of Iwata in detail) by processing and converting
intermediate print data into final output print data for a particular printer. While there is
no explicitly overwriting, the overwriting and restoring of older drivers has been known in
the Windows XP operating system, where a built in feature to allow the rollback of an
updated driver to an older one if the new one is deemed to be incompatible.

Iwata and Gase are combinable because both references are in the art of networked printing and providing drivers for printers.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have an system for updating drivers.

The motivation would be to have the most current driver available for compatibility and efficiency reasons.

Therefore, it would have been obvious to combine Iwata and Gase to obtain the invention as specified.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
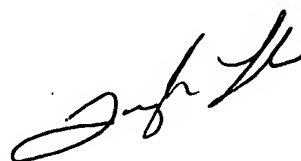
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YQ

TWYLER LAMB
SUPERVISORY PATENT EXAMINER